

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROGER WHITSON, DANIEL SMITH,
THE MICHAEL JOEL STONE
REVOCABLE TRUST and ALBECO,
INC.,

Objectors and Proposed
Intervenors Below,
Appellants,

v.

MARIE RAYMOND REVOCABLE
TRUST and RICHARD and SHARON
BROWER, as Joint Tenants with Right of
Survivorship,

Plaintiffs Below,
Appellees,

and

MAT FIVE LLC, MUNICIPAL
OPPORTUNITY FUND FIVE LLC,
CITIGROUP INC., CITIGROUP
ALTERNATIVE INVESTMENTS LLC,
CITIGROUP FIXED INCOME
ALTERNATIVES and REAZ ISLAM,

Defendants Below,
Appellees.

No. 22, 2009

Court Below:
Chancery Court of the
State of Delaware, in and
for New Castle County
C.A. No. 3843

Submitted: June 17, 2009

Decided: June 19, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 19th day of June, 2009, the Court, having considered this matter on the briefs and the oral argument of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its December 19, 2008 Memorandum Opinion and Order;

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Chancery Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice